The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

SB 111 Original

2017 Regular Session

Mizell

<u>Present law</u> requires that, in order for a physician to perform an abortion on a minor who has not been emancipated, either by court order or marriage, the physician or abortion clinic must first receive one of the following:

- (1) A notarized statement from the mother, father, legal guardian, or tutor of the unemancipated minor child declaring that the parent or guardian has been informed that the minor intends to seek an abortion and that the parent or guardian consents to the abortion,
- (2) A court order signed by a judge.

<u>Proposed law</u> retains <u>present law</u> but requires that the notarized statement signed by the mother, father, legal guardian, or tutor of the unemancipated minor shall state whether the parent is the lawful mother, the lawful father, the legal guardian, or the lawful tutor of the minor.

<u>Proposed law</u> retains <u>present law</u> but requires that the parent, legal guardian, or tutor giving parental consent for the minor to obtain an abortion also provides a copy of a valid and unexpired driver's license or a government issued identification card of the individual giving parental consent on behalf of the minor.

<u>Present law</u> provides that, prior to a court order, an ex parte hearing shall be conducted and the court may require the minor to participate in an evaluation and counseling session with a mental health professional from the Louisiana Department of Health, office of behavioral health, or a staff member from the Department of Children and Family Services, office of children and family services, or both. <u>Present law</u> provides that the court may refer the petitioner, if necessary, to the appropriate Louisiana Department of Health, office of behavioral health regional office to arrange the evaluation and counseling session within the four-day period prior to the ex parte hearing. <u>Present law</u> provides that the referral may be made by the clerk upon the minor's filing the application when the court has issued a standing order authorizing same and the circumstances fit the criteria of the standing order.

<u>Proposed law</u> retains <u>present law</u> but requires that the judge order counseling and changes the permissive and instructive provisions to mandatory.

<u>Present law</u> provides the evaluation and counseling session shall be for the purpose of developing trustworthy and reliable expert opinion concerning the minor's sufficiency of knowledge, insight, judgment, and maturity with regard to her abortion decision in order to aid the court in its decision and to make the state's resources available to the court for this purpose. <u>Present law</u> provides that the persons conducting such sessions may employ the information and printed materials referred to in the "Woman's Right To Know" booklet and will examine how well the minor interviewed is

informed about pregnancy, fetal development, abortion risks and consequences, and abortion alternatives, and should also endeavor to verify that the minor is seeking an abortion of her own free will and is not acting under intimidation, threats, abuse, undue pressure, or extortion by any other persons.

<u>Proposed law</u> retains <u>present law</u> but changes the permissive provisions to mandatory and requires that the evaluation and counseling session endeavor to ascertain whether the minor is the subject of a coerced abortion or the pregnancy is the result of sexual activity constituting a crime under the laws of this state or the result of commercial sexual exploitation of the minor child.

<u>Proposed law</u> retains <u>present law</u> but provides that if the court finds, by preponderance of the evidence, that the minor is a victim of coerced abortion, sexual crimes against the child, or commercial sexual exploitation under the laws of this state, the court shall issue any appropriate temporary restraining orders to protect the minor child.

<u>Proposed law</u> provides that any person, other than the minor, found guilty of defrauding the parents of parental consent or fraudulently assisting the minor in obtaining an abortion without parental consent shall be subject to a fine of \$1,000 and imprisoned for not more than two years, if he does any of the following with the intent to avoid the parental consent requirements:

- (1) Falsely claims to be the lawful mother, father, legal guardian, or tutor of an unemancipated minor seeking abortion where an abortion is authorized based upon parental consent.
- (2) Falsely signs an affidavit claiming to be a person authorized to consent for a minor where an abortion is authorized based upon parental consent.

<u>Present law</u> provides that each physician shall retain and make part of the medical record of each pregnant woman upon whom an abortion is performed or induced, including a parental consent form for the abortion or a copy of the court order.

<u>Proposed law</u> retains <u>present law</u> but provides that the physician also maintain a copy of the valid and unexpired driver's license or government issued identification card of the individual giving parental consent on behalf of the minor for the abortion.

Effective August 1, 2017.

(Amends R.S. 40:1061.14(A) and (A)(1) and (B)(3)(b) and (4), and 1061.19(A)(2); adds R.S. 40:1061.14.1)